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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,525	06/28/2001	Manoel Tenorio	020431.0843	8191

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EXAMINER

CHEN, TE Y

ART UNIT PAPER NUMBER

2161

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/895,525

Applicant(s)

TENORIO, MANOEL

Examiner

Susan Y. Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

This office action is in response to the amendment filed on June 30, 2006.

Claims 1-37 are pending for examination.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-37 are rejected under 35 U.S.C. 101, because the claimed invention is directed to non-statutory subject matter.

As to claims 1-37, the set of claims merely relied on an association of target data with a product classification schema, which seems to apply certain abstract accessing, determining and associating operations as recited in the claims 1-37 to correlate target data with the product schema, however, this set of claims fail to recite any physical transformation to establish a practical application that produces any tangible, useful, or concrete results that will returned to the system or users of the system, hence, it renders the set of claims as non-statutory subject matters.

To expedite a complete examination of the instant application the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 12-17, 23-28 and 34-37, are rejected under 35 U.S.C. 103(a) as being unpatentable over Consentino et al. (U.S. Patent No. 6,055,515) in view of Chipman et al. (U.S. Patent No. 6,038,668).

As to claims 1, 12, 23, and 34-37, Consentino et al. (hereinafter referred as Consentino) discloses a computer-implemented system with method and executable program products for categorizing product data [e.g., Abstract, lines 8-15, Fig(s). 1-5 and associated texts] as claimed by applicant, comprising the following functions:

a) access a first product classification schema, the first schema comprising a taxonomy that comprising a hierarchy of classes for categorizing products [e.g., the Graphical Entity-Relationship database browser as shown in Fig. 3 that displays different product classes of existing databases is deemed to be navigated by a user],

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the first schema further comprising ontology associated with one or more of the classes, each ontology comprising one or more product attributes [e.g., col. 3, lines 25-67, Fig. 3 and associated texts];

b) access target data to be associated with the first schema, the target data organized according the a second product classification schema [e.g., col. 3, lines 37-67];

c) determine one or more classes of the first schema with which at least a portion of the target data is associated based on an automatic comparison, without translating the target data from the second schema to the first schema [e.g., col. 6, lines 42 – lines 48; Fig. 1a-1d and associated texts; the use of a “location map” technique as shown by Fig. 4; col. 7, lines 12 - 27];

d) associate the at least a portion of the target data with one or more classes of the first schema in response to determine, based on the automatic comparison, the one or more classes of the first schema with which the at least a portion of the target data should be associated. [e. g., the use of floating menus technique to configure node labels to derive a linear associated catalog view as shown in Fig. 5].

Consentino did not provide detail explanation for categorizing product data in an electronic commerce transaction.

However, Chipman et al. (hereinafter referred as Chipman) discloses the details for categorizing product data in an electronic commerce transaction [e.g., Abstract, Fig(s). 1-3 and associated texts].

Consentino and Chipman are both of the same endeavor to facilitate the categorizing of products data via network hierarchical classes browsing, thus, with the teachings of Consentino and Chipman in front of him/her, it would have been obvious for an ordinary skilled person in the art at the time the invention was made to apply the well-known product cataloging technique as taught by Chipman into Consentino's system, because by doing so, as suggested by Chipman the combined invention will not only be upgraded for providing a multi-path hierarchical product cataloging system to allow a user performing interactive e-commerce transactions, but will also be integrated with the data consumed by the user back into the system for facilitating the product cataloging design via the generic portal technique [e.g., Chipman: col. 2, line 50 - col. 3, line 13].

As to claims 2-6, 13-17 and 24-28, except the limitations recited in claims 1, 12, and 23, the combined system of Consentino and Chipman further discloses that the determining one or more classes of the first schema with which the at least a portion of the target data is associated comprises identifying a portion of the target data via matching the name, the value, a range of value, the symbol and formatting of a product attribute in the ontology of these one or more classes of the first schema [e.g., Consentino: col. 7, line 59 – col. 8, line 18].

Claim Rejections - 35 USC § 103 (Continue)

Claims 7-11, 18-22 and 29-33, are rejected under 35 U.S.C. 103(a) as being unpatentable over Consentino et al. (U.S. Patent No. 6,055,515) and Chipman et al. (U.S. Patent No. 6,038,668) as applied to claims 1-6, 12-17, 23-28 and 34-37 recited above, and further in view of Gogolak (U.S. Patent No. 6,789,091).

As to claims 7-8, 18-19 and 29-30, the combined system of Consentino and Chipman further discloses the association of data by using vector space analysis and statistical correlation techniques [e.g., Chipman: the fuzzy searching and ranking at col. 7, line 64 – col. 8, line 29].

Consentino and Chipman does not expressly explain that the systems determines the optimization of database performance processing based on the analysis of read/write number in the information space; and calculating weight to indexing the read/write processing.

However, Gogolak discloses a system that optimizes a database performance processing based on the analysis of read/write number in the information space [e.g., col. 15, lines 59-65] and determines the data association by calculating weight to indexing the read/write processing [e.g., Fig. 13 and associated texts; col. 21, lines 23-56].

Consentino, Chipman and Gogolak are of the same field of endeavor to dynamically associate target data with a product classification schema via attribute-value pair statistic analysis and ranking cataloging technique, hence, it would have been

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obvious for an ordinary skilled person in the art at the time the invention was made to apply the well-known technique into the combined system of Consentino and Chipman for determining the associations of these attribute-value pairs with the weight calculation to indexing the read/write processing as taught by Gogolak, because by doing so, the surrounding background noise data will be filtered out based on a use desire.

Furthermore, for calculating the weight to indexing the read/write processing as suggested by Gogolak, the combined system will further be upgraded to facilitate the input/output processing for additional correlation of these target and product classification as desired by a user [e.g., Gogolak: col. 21, lines 23-22].

As to claims 9-11, 20-22 and 31-33, The combined system of Consentino, Chipman and Gogolak further discloses using indicators to determine the association between the system classes and it's attributes and the indicators are pointers [e.g., Chipman: col. 3, lines 14-26, Consentino: col. 7, lines 10-23].

Response to Arguments

Applicant's arguments filed on 06/30/2006 against 35 U.S.C. 101 rejection have been fully considered but they are not persuasive.

As cited on record, claims 1-37 merely recited abstract functional steps that fails to create any physical transformation to establish a practical application that produces any tangible, useful, or concrete results that will returned to the system or users of the system, hence, it renders the set of claims as non-statutory subject matters.

Furthermore, the examiner disagrees with applicant's arguments and piecemeal interpretation that "clicking on the node disclosed in Consentino... does not include, involve, or even relate to "determine[ing] one or more classes of the first schema with which at least a portion of the target data is associated based on an automatic comparison."

In reply to these arguments and piecemeal interpretation the examiner points out that by clicking on the node of the browsing schema [e.g., Fig.3] as disclosed by Consentino is deemed to create a location indicator that will be used by the "location map" technique to automatically compare and determine the features as claimed [e.g., Consentino at col. 7, lines 10 – 27].

As to the rest of arguments against prior art rejection, it have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Y. Chen whose telephone number is 571-272-4016. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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PRIMARY EXAMINER

Susan Y Chen